

ASSEMBLY BILL

No. 594

Introduced by Assembly Member Harkey

February 25, 2009

An act to add Section 17580 to the Government Code, relating to state-mandated local programs.

LEGISLATIVE COUNSEL'S DIGEST

AB 594, as introduced, Harkey. State-mandated local programs.

Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, the state is required to provide a subvention of funds to reimburse the local government, with specified exceptions. Existing law establishes a procedure for local governmental agencies to file claims for reimbursement for these costs with the Commission on State Mandates.

This bill would provide that on and after January 1, 2010, legislation that mandates a new program or higher level of service on any local government shall include a provision to repeal the enactment within 6 years and require the Legislative Analyst to report on the enactment, except for legislation that specifically makes this requirement inapplicable, contains a provision to repeal the enactment in less than 6 years, or creates a new crime, changes the definition of a crime, or changes the penalty for a crime.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17580 is added to the Government Code,
2 to read:

3 17580. (a) On and after January 1, 2010, any bill in a regular
4 or extraordinary session of the Legislature that mandates a new
5 program or higher level of service on any local government
6 pursuant to Section 6 of Article XIII B of the California
7 Constitution shall contain a provision to repeal the enactment not
8 later than six years after it becomes operative and to require the
9 Legislative Analyst to report to the Legislature not later than five
10 years after it becomes operative.

11 (b) The report by the Legislative Analyst shall contain the costs
12 to local governments, the reimbursements provided by the state,
13 and the extent to which the new program or higher level of service
14 achieved its stated goals. In preparing this report, the Legislative
15 Analyst shall consult with local governments as well as state
16 departments. The Legislative Analyst shall include in the report a
17 recommendation to the Legislature whether the program or level
18 of service should be repealed, made permanent, modified, or
19 extended for another fixed period of time.

20 (c) Subdivision (a) does not apply to any bill that specifically
21 makes this section inapplicable, or contains a provision to repeal
22 the enactment in less than six years.

23 (d) This section does not apply to any bill that creates a new
24 crime, changes an existing definition of a crime, or changes the
25 penalty for a crime.